

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

F I L E D
Robert D. Zumwalt, ClerkTHE PEOPLE OF THE STATE OF CALIFORNIA
Plaintiff,CASE NUMBER
CR - 57895
DA - A56838

JUL 29 1982

BY D. HOCKETT,
ClerkCHANGE OF PLEA
(GUILTY)

VS.

CARLOS BUSTAMANTE

Defendant.

Comes now CARLOS BUSTAMANTE
 defendant in the above-entitled criminal action, and in support of his motion to change his plea(s) to be made in open
 court personally and by his attorney, does declare: (defendant to initial each item)

1. That his attorney in the above-entitled criminal action is I. THOMAS BOWDEN UB
 2. That he is charged in INFORMATION Number CR 57895, with having violated

Ct. 1-PC245(a)&12022(b); Ct. 2-PC245(a)&12022(b); Ct. 3-PC187&12022(b) UB
 (Code Section(s) and Count(s))

3. That he desires to change his plea(s) and desires to plead guilty to PC192.2(Involuntary Manslaughter) UB
as a lesser included offense of Ct. 3. (Set forth Code Section(s) and Count(s))

4. That he IS now and WAS at the time this form was prepared in possession of all his faculties
 (is/is not) (was/was not)
 and has not consumed any drug, narcotic or alcoholic beverage in the 24-hour period preceding the entry of this plea
 to the extent that his sound judgment is impaired. UB

5. That he does understand the nature of the charge(s) against him; UB
 (does/does not)

6. That he has discussed the nature of the charge(s) against him and the possible defenses thereto with
 (has/has not) his attorney. UB

7. That he violated the aforementioned Penal Code section(s) by People v. West Plea.

8. That his attorney has explained and discussed his constitutional rights with him; that he understands
 (has/has not) his constitutional rights; that his constitutional rights have not been violated; that his attorney has specifically explained
 to him (1) the right to a jury trial; (2) the right to confront those witnesses who would testify against him and to cross
 examine those witnesses; (3) the right to testify in his own behalf or not to testify if he desires to remain silent; (4) the
 right to have witnesses and documents subpoenaed by the Court for use at trial; that defendant knowingly and intelligently
 gives up these constitutional rights. UB

9. That his decision to change his plea(s) has been made freely and voluntarily, without threat or
 (has/has not) fear to him or to anyone closely related to or associated with him. UB

10. That his attorney has explained the possible sentence and understands the maximum possible punish-
 (has/has not) ment to be: Four years state prison UB

and further that in the event he is sentenced to State Prison, he will be placed on parole for a period of 48 months UB

11. That he understands if he is granted probation and the Court finds he has violated the terms of probation he
 could be sentenced to State Prison at that time. UB

14. That he is pleading guilty because ~~XXXXXX~~
HE wishes to avoid the possibility of conviction and sentence on the more
Defendant has ~~(cross out the inapplicable phrase)~~ serious charge of murder.

- each of the above items, and understands same. Defendant has initiated each item as proof thereof.

I. THOMAS BOWDEN

J. THOMAS BOWDEN states that he is the attorney for defendant in the above-entitled criminal action; that he personally read, discussed and explained the contents of the above declaration of the defendant and each item thereof; that defendant's constitutional rights have not been violated; that no meritorious defense exists to the charge(s) to which defendant is pleading guilty; that he personally observed the defendant (fill in and initial each item, or read and initial each item) acknowledging explanation of the contents of each item; that he observed defendant date and sign said declaration; that he concurs in defendant's withdrawal of his plea(s) of not guilty; that he concurs in defendant's plea(s) of guilty to the charge(s) as set forth by the defendant in the above declaration.

Dated this 29 day of JULY, 1982

The People of the State of California, plaintiff in the above-entitled criminal action, by and through its attorney, EDWIN L. MILLER, JR., District Attorney, concurs in the defendant's withdrawal of his plea(s) of not guilty and in the defendant's plea of guilty to the charge(s) as set forth by the defendant in the above declaration.

Dated this 29th day of July, 1982

EDWIN L. MILLER, JR.
District Attorney

By: [Signature]
(Deputy District Attorney)

Defendant personally and by his attorney having in open court moved to withdraw his plea(s) of not guilty as heretofore entered and the People of the State of California, by and through its attorney, having concurred in said motion;

IT IS HEREBY ORDERED that said motion be and the same is hereby granted

74-1544-10000
JUL 29 1982
Detective

(Judge of the Superior Court)

JAMES A. MAIKUS